

Appl. No. 09/766,774
Amtd. dated February 24, 2004
Reply to Office Action of September 12, 2003

REMARKS/ARGUMENTS

This Amendment is submitted in response to the final Office Action mailed November 24, 2003. In the Amendment, claims 1 and 4 were amended, and claims 3 and 6 were deleted. The subject matter of claims 3 and 6 was incorporated into claim 1. Claim 4 was amended to correct its dependency. Claim 2 was previously allowed. Applicant respectfully requests reconsideration of claims 1 and 9, and the withdrawn claims 4, 5, 7, 8, and 11.

Applicant submits that the foregoing amendments are necessary and were not presented earlier because the rejection set forth in the final Office Action was a new rejection of the claims, and this is the first opportunity Applicant has had to respond to the new grounds of rejection. Moreover, the amendments present the claims in better form for consideration on appeal. Therefore, Applicant requests entry of the foregoing amendments in accordance with 37 C.F.R. § 1.116.

Applicant's attorney expresses appreciation to Examiner Peterson for briefly discussing this application on February 19, 2004. The foregoing amendment to claim 1 was discussed. Examiner Peterson acknowledged, unofficially, that amended claim 1 was distinguishable from the prior art cited in the final Office Action and appeared to be allowable.

New Grounds of Rejection. The Office Action newly rejected claims 1, 6, and 9 under Section 103(a) as being unpatentable over Todisco in view of Stein et al. and Cronberger. All previous grounds of rejection had been withdrawn, and the rejection raised new grounds of rejection. Applicant respectfully submits that the amended claim 1 would not have been obvious from the combined teachings of the cited prior art patents because it recites various features that are not disclosed or suggested by the cited prior art. For example, none of the cited prior art references discloses a buffer plate having an elastic member fixed in a groove located in the lower side of the buffer plate. None of the cited prior art references discloses a fixation member having an insertion groove formed in the bottom thereof as recited in claim 1. In addition, none of the cited references discloses a plurality of height control bolts for adjusting an angular orientation of the buffer plate as recited in claim 1. Applicant respectfully submits that claim 1

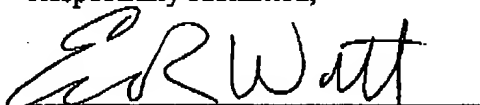
Appl. No. 09/766,774
Amdt. dated February 24, 2004
Reply to Office Action of September 12, 2003

would not have been obvious from the combined disclosure of Todisco in view of Stein et al. and Cronberger. Withdrawal of the rejection and allowance of claim 1 is respectfully requested.

Allowance of Dependent Claims. Given the allowability of claim 1, Applicant respectfully submits that the claims which depend from claim 1 should also be allowable. This includes claim 9 as well as the withdrawn claims which ultimately depend from claim 1. The Restriction Requirement dated October 31, 2002 stated: "Upon the allowance of the linking claims, the restriction requirement as to the linked inventions shall be withdrawn and any claims depending from or otherwise including all the limitations of the allowable linking claims will be entitled to examination in the instant application." Since the withdrawn claims 4, 5, 7, 8, and 11 ultimately depend from claim 1, Applicant submits that these claims are entitled to examination and allowance. Accordingly, Applicant submits that claims 1, 2, 4, 5, 7, 8, 9, and 11 are in condition for allowance.

If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,



Evan R. Witt
Reg. No. 32,512
Attorney for Applicant

Date: February 24, 2004

MADSON & METCALF
Gateway Tower West
15 West South Temple, Suite 900
Salt Lake City, Utah 84101
Telephone: 801/537-1700